

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

WEST BEND MUTUAL INSURANCE
COMPANY,

Civil Nos. 18-709 (JRT/LIB)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATIONS**

JESSICA M. JENSEN, et al,

Defendants,

Elisa Hatlevig, **JARDINE LOGAN & O'BRIEN PLLP**, 8519 Eagle Point Boulevard, Suite 100, Lake Elmo, MN 55042, for plaintiff.

Paul A. Thompson, **WOODS & THOMPSON, PA**, 941 Hillwind Road NE, Suite 200, Minneapolis, MN 55432-596, for Trustee defendants.

Kevin C. Pillsbury, **JOHNSON, KILLEN & SEILER, P.A.**, 230 W, Superior Street, Suite 800, Duluth, MN 55802, for Bluefin Bay defendants.

Based upon the Report and Recommendation of United States Magistrate Judge Leo I. Brisbois, and after an independent review of the files, records and proceedings in the above-entitled matter, **IT IS HEREBY ORDERED** that:

1. Plaintiff's Motion for the Entry of Default Judgment Against Defendant Kirk L. Bigby, [Docket No. 39], is **GRANTED**.
2. The Court will issue a judgment declaring that Plaintiff has no duty to defend or indemnify Defendant, Kirk L. Bigby, for any injuries or claims arising out of Kirk L. Bigby's December 9, 2015, shooting of Marcus Roberts.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: December 11, 2018
at Minneapolis, Minnesota

s/John R. Tunheim
JOHN R. TUNHEIM
Chief Judge
United States District Court